

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

Blue Spike, LLC,

Plaintiff,

v.

Texas Instruments, Inc., et al.,

Defendants.

CASE NO. 6:12-cv-499 MHS

LEAD CASE

Jury Trial Demanded

Blue Spike, LLC,

Plaintiff,

v.

Broadcast Music, Inc. and
Landmark Digital Services, LLC,

Defendants.

CASE NO. 6:12-CV-586 MHS

CONSOLIDATED CASE

Jury Trial Demanded

AGREED MOTION TO DISMISS

Pursuant to Fed. R. Civ. P. 41(a), Plaintiff Blue Spike, LLC (“Blue Spike”) and Defendants Broadcast Music, Inc. and Landmark Digital Services LLC (collectively, the “BMI Defendants”), by and through their attorneys, do hereby jointly move for an order approving their stipulation as follows:

1. All claims brought by Blue Spike against the BMI Defendants are dismissed with prejudice.

2. All counterclaims brought by the BMI Defendants against Blue Spike are dismissed without prejudice.

3. Each party is to bear its own costs and attorneys' fees with respect to this legal action and the entry of this Agreed Motion and Order of Dismissal.

4. The Court may enter an Order adopting this Agreed Motion to Dismiss and Proposed Order Thereon as the Order of the Court.

By: /s/ Randall T. Garteiser

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Broadcast Music, Inc. and
Landmark Digital Services, LLC*

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Federal Rule of Civil Procedure 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email.

/s/ Randall T. Garteiser

CERTIFICATE OF CONFERENCE

I certify that on behalf of Blue Spike, LLC, I have met and conferred with counsel for Defendant on December 19, 2013 regarding the relief requested herein. Counsel for Defendant has agreed to this motion.

/s/ Christopher A. Honea